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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 CHRISTOPHER M. MORGAN,

12 Plaintiff,

13 v.

14 S. FEARS, et al.,

15 Defendants.
16

No. 2:23-cv-01018-DJC-DMC-P

ORDER

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18 Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to
19 42 U.S.C § 1983. The matter was referred to a United States Magistrate Judge
20 pursuant to the Eastern District of California's Local Rules.

21 On March 3, 2025, the Magistrate Judge filed Findings and Recommendations
22 herein which were served on the Parties, and which contained notice that the Parties
23 may file objections within the time specified therein. Plaintiff filed timely objections to
24 the Findings and Recommendations (ECF No. 35.).¹
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28 ¹ Defendants filed a Response (ECF No. 36) to Plaintiff's Objections, which Plaintiff argues are untimely (ECF No. 37.) The Court has exercised its discretion to consider Defendants' Response.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
2 304(f), this Court has conducted a *de novo* review of this case. Having carefully
3 reviewed the entire file, the Court respectfully declines to adopt the Findings and
4 Recommendations.

5 The Findings and Recommendations recommended dismissal of Plaintiff's
6 Complaint with prejudice on qualified immunity grounds. "The doctrine of qualified
7 immunity shields officials from civil liability so long as their conduct 'does not violate
8 clearly established statutory or constitutional rights of which a reasonable person
9 would have known.'" *Mullenix v. Luna*, 577 U.S. 7,11 (2015) (per curiam) (citation
10 omitted). At the motion to dismiss stage, an officer must show that the allegations in
11 the complaint do not make out a violation of a constitutional right or that any such
12 right was not clearly established as the time of the alleged misconduct. See *Pearson v.*
13 *Callahan*, 555 U.S. 223, 232-36 (2009). "[D]ismissal is not appropriate unless we can
14 determine, based on the complaint itself, that qualified immunity applies." *Polanco v.*
15 *Diaz*, 76 F.4th 918, 925 (9th Cir. 2023) (citation omitted).

16 Plaintiff is proceeding in this case on Eighth Amendment claims for cruel and
17 unusual punishment. Defendants move to dismiss on the grounds that Plaintiff's
18 allegations are insufficient to state a claim under the Eighth Amendment. Defendants
19 also alternatively argue that they are entitled to qualified immunity, and that Plaintiff
20 fails to state claims against Defendants in their official capacity, to the extent that he
21 intends to pursue them. Plaintiff contends that he has plausibly stated a claim upon
22 which relief can be granted, and that Defendants are not entitled to qualified
23 immunity.

24 The Eighth Amendment's prohibition against "cruel and unusual punishments"
25 imposes duties on prison officials to provide "humane conditions of confinement."
26 *Hampton v. California*, 83 F.4th 754, 765 (9th Cir. 2023) (citing *Farmer v. Brennan*, 511
27 U.S. 825, 832 (1994)). As such, "prison officials must ensure that inmates receive
28 adequate food, clothing, shelter, and medical care" and must "take reasonable

1 measures to guarantee the safety of the inmates.” *Farmer*, 511 U.S. at 832 (citation
2 and internal quotations omitted). The protections extend to “condition[s] of
3 confinement that [are] sure or very likely to cause serious illness and needless
4 suffering” in the future. *Helling v. McKinney*, 509 U.S. 25, 33 (1993). Under these
5 circumstances, a “prison official’s ‘deliberate indifference’ to a substantial risk of
6 serious harm to an inmate” that violates the Eighth Amendment. *Hampton*, 83 F.4th at
7 766 (citation omitted). This type of claim contains an objective component: requiring
8 that the deprivation was objectively sufficiently serious, and a subjective component:
9 such that the defendant official acted with deliberate indifference to inmate health or
10 safety. *Id.* (citations omitted).

11 In *Hampton v. California*, 83 F.4th 754 (9th Cir. 2023), the Ninth Circuit held that
12 the spouse of an inmate who had died from COVID-19 in prison stated a claim of
13 deliberate indifference. In 2020, high level officials of the California prison system
14 transferred 122 inmates from the California Institute for Men, which had experienced a
15 severe COVID-19 outbreak, to San Quentin State Prison, thereby sparking an outbreak
16 of COVID-19 in San Quentin that infected over 2,000 inmates and killed over twenty-
17 five inmates. See *Id.* at 759–60. In its decision, the Ninth Circuit addressed both the
18 objective and subject prongs of the Eighth Amendment analysis. *Id.* at 766. On the
19 objective inquiry, the Ninth Circuit recognized that the plaintiff’s complaint
20 highlighted the various steps state and local governments took to prevent exposure to
21 COVID-19. *Id.* These allegations plausibly alleged that an objective “societal
22 consensus” emerged by May 2020 that the risk of contracting COVID-19 was severe
23 such that involuntarily exposing inmates to the disease violated the then-current
24 standards of decency. *Id.* The court also distinguished the circumstances in *Hines v.*
25 *Youseff*, 914 F.4th 1218 (9th Cir. 2019), where it had not been established that the
26 involuntary exposure to the existence of certain fungal spores constituted a violation
27 of current standards of decency amongst members of society. *Id.* Thus, the Ninth
28 Circuit concluded that the objective inquiry was satisfied. *Id.*

1 Here, Plaintiff's Complaint addresses the various efforts taken by prison staff,
2 including Defendants, to address pandemic-related risks through implementation of
3 various measures such as the designation of special housing for infected inmates,
4 rehousing inmates based on their potential exposure, and limiting movement in the
5 prison. These allegations, like the ones in *Hampton*, plausibly indicate that a "societal
6 consensus" had emerged by December 2020 to suggest that the risk of contracting
7 COVID-19 was severe such that involuntary exposure would have violated then-
8 current standards of decency. Thus, Plaintiff has met the objective inquiry of the
9 Eighth Amendment analysis.

10 On the subjective prong, a plaintiff must show that officials were "aware of facts
11 from which the inference could be drawn that a substantial risk of serious harm exists,"
12 and must have "actually draw[n] the inference." *Hampton*, 83 F.4th at 767. Plaintiff
13 alleges that he was ordered to move into "Facility E Yard Covid-19 Medical Tents"
14 which were for COVID-19-positive inmates. (Compl. (ECF No. 1) ¶ 10.) Plaintiff did
15 not want to move and alleges that Defendant Casillas threatened him with disciplinary
16 actions and threatened to place COVID-19 positive inmates into his housing unit if he
17 did not move to the Medical Tents. (*Id.* ¶ 12.) A few days later, Plaintiff contends that
18 six new inmates were moved into his housing unit, without having a "rapid test" done,
19 from "out-patient housing" which housed inmates who were recovering from COVID-
20 19. (*Id.* ¶ 13.) At the time, there was a "no-movement" order in place, given concerns
21 about COVID-19, except for mental health or medical emergencies. (*Id.*) Plaintiff
22 alleges that Defendant Fears forged the medical status of the six inmates, and that his
23 housing unit did not contain any beds for inmates with mental health issues. (*Id.*)
24 Following the transfer, Plaintiff tested positive for COVID-19 and that an explosion of
25 cases occurred in the housing unit. (*Id.*)

26 At this stage, the Court finds that Plaintiff has plausibly alleged that Defendants
27 "acted. . . despite [their] knowledge of a substantial risk of serious harm." *Farmer*, 511
28 U.S. at 842. While the Court has concerns about the plausibility of Plaintiff's

1 allegations of forged documents, given the additional allegation that there were no
2 mental health beds in his unit and movement was otherwise restricted, the Court
3 concludes these allegations meet the standards in *Bell Atlantic Corp. v. Twombly*, 550
4 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). Taken as true, the
5 allegations indicate that Defendants were aware that COVID-19 would cause Plaintiff
6 harm and proceeded to act in a way that would endanger Plaintiff, particularly in terms
7 of the threat to move in COVID-19-positive patients and the circumstances
8 surrounding the transfer of the inmates. Accordingly, the Court finds that the
9 subjective prong of the Eighth Amendment analysis is met.

10 The Court also finds that the right at issue was clearly established at the time of
11 the violation. See *Stewart v. Aranas*, 32 F.4th 1192, 1195 (9th Cir. 2022). For an
12 officer's unlawful conduct to be "clearly established" it must be true that "at the time of
13 the officer's conduct, the law was sufficiently clear that every reasonable official would
14 understand that what he is doing is unlawful." *District of Columbia v. Wesby*, 583 U.S.
15 48, 63 (2018) (citations and quotation marks omitted). In *Hampton*, the Ninth Circuit
16 explained that the right to be free from exposure to a serious disease has been clearly
17 established since at least 1993, when the Supreme Court decided *Helling v.*
18 *McKinney*, 509 U.S. 25 (1993). *Hampton*, 83 F.4th at 770. The *Hampton* court detailed
19 several Ninth Circuit cases that made this right clearly established by the spring of
20 2020. *Id.* at 771 (collecting cases showing that the Eighth Amendment clearly
21 required prison officials to protect inmates from exposure to serious diseases). If the
22 law was clearly established in spring of 2020, then it certainly was clearly established
23 in December 2020, which is when Plaintiff alleges these incidents occurred.
24 Accordingly, the Court finds that reasonable prison officials would have been on
25 notice that they could be held liable for exposing inmates to a serious disease.

26 ACCORDINGLY, IT IS HEREBY ORDERED that:

- 27 1. The Court declines to adopt the Findings and Recommendations (ECF No.
28 31);

2. Plaintiff's Motion to Vacate Defendants' Response (ECF No. 37) is DENIED;
3. Defendants' Motion to Dismiss (ECF No. 18) is DENIED; and
4. This matter is referred back to the Magistrate Judge for all further pretrial proceedings.

IT IS SO ORDERED.

Dated: **September 30, 2025**


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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